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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,469	02/06/2002	Steven R. Lange	KLA1P027X1	2656
22434	7590	11/18/2003	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			BEN, LOHA	
			ART UNIT	PAPER NUMBER
			2873	9

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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**NOV 18 2003**

**OFFICE OF PETITIONS**

In re Application of :  
Steven R. Lange :  
Application No. 10/072,469 : DECISION GRANTING PETITION  
Filed: 6 February, 2002 :  
Attorney Docket No. KLA1P027X1 :

This is a decision on the petition, filed on 14 August and supplemented on 6 November, 2003, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on 5 February, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

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(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of 12 February, 2004, accompanies this decision on petition.

**There is no indication that a reply to the non-final Office action of 9 May, 2003, has been filed. Accordingly, a shortened statutory period of three (3) months for reply to the non-final Office action of 9 May, 2003, is restarted with the mailing date of this decision. Extensions of time pursuant to the provisions of 37 CFR 1.136(a) are permitted. Failure to timely reply within the period restarted by this decision will result in the abandonment of this application.**

Any inquiries concerning this decision may be directed to the undersigned at (703) 308-6918.

This application is being forwarded to Technology Center 2800 to await a reply to the non-final Office action, the period of which is restarted to run from the mailing date of this decision on petition as noted above.

Any inquiries concerning this decision may be directed to the undersigned at 703.308.6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Encl: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing